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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214898
Party	Defendant Capital One Financial Corporation
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Date	03/24/2014
Attachments	3-24-14 Answer 91214898.pdf(21880 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>CITIGROUP INC.,</p> <p>Opposer,</p> <p>v.</p> <p>CAPITAL ONE FINANCIAL CORPORATION,</p> <p>Applicant</p>	<p>Opposition No. 91214898</p> <p>Serial No. 86074454</p> <p>Filed: September 25, 2013</p> <p>Mark: USING CREDIT WISELY</p>
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**CAPTIAL ONE’S ANSWER TO NOTICE OF OPPOSITION**

Applicant Capital One Financial Corporation (“Applicant” or “Capital One”) answers Citigroup Inc.’s (“Opposer”) Notice of Opposition as follows:

With respect to the preamble to the Notice of Opposition, Capital One denies Opposer’s statement that it will be damaged by the registration of Capital One’s mark shown in application Serial No. 86074454.

With respect to the numbered Paragraphs in the Notice of Opposition, Capital One Answers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Capital One denies that Opposer has used the phrase USE CREDIT WISELY as a “trademark.”

5. Capital One admits that, according to the U.S. Patent and Trademark Office's online records, Citigroup Inc. filed Application Serial No. 86/085,654 for the mark USE CREDIT WISELY for "banking and financial services" in International Class 36. Capital One denies that Opposer owns any trademark rights in the phrase USE CREDIT WISELY. Capital One is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 5, and therefore denies them.

6. Denied.

7. Capital One admits that the U.S. Patent and Trademark Office's online records reflect that Application Serial No. 86/085,654 was filed on October 8, 2013 based on alleged use of the mark USE CREDIT WISELY in commerce pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. Section 1051(a). Capital One denies that Opposer has made any such trademark use. Capital One is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 7, and therefore denies them.

8. Denied.

9. Admitted.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

**AFFIRMATIVE DEFENSES**

18. Opposer has not used the phrase USE CREDIT WISELY as a source-identifying trademark.

19. Opposer has not established trademark rights in the phrase USE CREDIT WISELY.

20. Capital One reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice, and that Applicant's mark be granted registration.

Respectfully Submitted,

Dated: March 24, 2014

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/Danny M. Awdeh/  
Douglas A. Rettew  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2014, a true and correct copy of the foregoing Answer and Affirmative Defenses was served by United States first class mail, postage prepaid, on counsel for Opposer at the following address of record:

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/Jacob T. Mersing/